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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS LTD.
and PEBBLE LIMITED PARTNERSHIP,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*,

Defendants.

Case No. 3:24-cv-00059-SLG,
and consolidated cases

STATUS REPORT AND REQUEST TO EXTEND ABEYANCE

N. Dynasty Minerals Ltd. v. EPA, and consolidated cases, No. 3:24-cv-00059-SLG

1. In these consolidated cases, all plaintiffs challenge the January 2023 Final Determination of the U.S. Environmental Protection Agency Pursuant to Section 404(c) of the Clean Water Act [for the] Pebble Deposit Area, Southwest Alaska (“Final Determination”). In addition, plaintiffs in Case No. 3:24-cv-00059-SLG (collectively, “PLP”) challenge the U.S. Army Corps of Engineers’ April 2024 denial without prejudice of PLP’s Clean Water Act Section 404 permit application for the Pebble Mine. More than 20 entities have intervened as defendants.

2. Defendants previously sought a 90-day abeyance and two extensions to provide new administration officials time to familiarize themselves with the issues and determine how they wish to proceed, and the Court granted those requests. ECF 154, 152, 148. Defendants reserved the right to seek to extend the abeyance as circumstances require. ECF 153, 151, 146. A status report is due from Defendants on July 3, 2025. ECF 154.

3. As Defendants previously reported, agency officials were briefed on the litigation and have been actively considering the agency decisions. Agency officials remain open to reconsideration, and Defendants and PLP are negotiating to explore a potential settlement. Those discussions have addressed a potential further submission from PLP that would inform any agency reconsideration. Defendants and PLP currently expect to reach agreement within the next two weeks about what that submission would entail.

4. Accordingly, Defendants and PLP respectfully request that the Court extend the abeyance for an additional 14 days, with a status report due on July 17, 2025. During the extended abeyance period, briefing regarding the motions at ECF 127 and 128 would remain

stayed, consistent with this Court's orders granting and extending the abeyance. ECF 154, 152, 148.

5. All plaintiffs consent to this approach. The State reserves its right to request a briefing schedule at the end of the abeyance if further progress is not achieved among the parties. Intervenor has not yet provided their positions on this approach.¹

6. For the foregoing reasons, this Court should extend the abeyance for an additional 14 days. A proposed order is being submitted herewith.

Respectfully submitted on July 3, 2025,

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¹ Intervenor may choose to provide their positions after reviewing this filing.